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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,250	08/13/2001	Brian Minear	010237	8795

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 05/10/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,250

Applicant(s)

MINEAR ET AL.

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-5, 7-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cowan (5,848,064) in view of Barber et al. (5,471,518)**.

Regarding claims 1, 8 and 16 and 20 Cowan discloses a system and a wireless device for loading and deletion of software components on a wireless device in selective communication with a wireless network (see Fig. 1), comprising: at least one wireless device (36) having a resident storage with at least one or more executable software applications wherein each software application includes one or more application components and application-associated data, the storage having a limited capacity (see col. 3, lines 32-40, col. 7, lines 13-36), at least one application download server (30) on the wireless network (feature of host computer), the application server selectively communicating with the at least one wireless device and downloading software applications and application components to the one or more wireless devices across the wireless network (see col. 3, lines 3-18). Cowan teaches the wireless device selectively prompts the application server across the wireless network for transmission of one or

Art Unit: 2686

more application components, and installs the transmitted one or more application components such that the one or more resident applications including the installed application components are executable on the wireless device (see col. 3, lines 40-53). Cowan teaches wherein when one or more application components are needed for the execution of one or more software applications, the wireless device selectively prompting the application server across the network for transmission of the one or more application components, and installs the transmitted one or more application components such that the one or more resident applications including the installed components are executable on the wireless device (mobile terminal being programmed to discard immediately the old version of each file prior to downloading the package of new files anytime there is a new version of operating software to be downloaded when the mobile is operating in the replace mode, see col. 12, lines 36-43). Cowan fails to explicitly teach that upon storage capacity being needed by the at least one wireless device, the wireless device selectively deletes one or more application components of the one or more resident software applications from the storage without loss of the application associated data.

Barber discloses a cellular telephone that stores both programming information for its processor and certain changing parameters and has the capability of erasing the changing parameters without erasing the program contents (see abstract, col. 2, lines 7-27). According to Barber, storing firmware in one sector of the available memory and the changeable data is another part, changing a given changeable parameter requires temporary storage and rewriting of only the changeable parameters,

Art Unit: 2686

not of the entire program store which reduces the frequency with which erasures must be performed (see col. 2, lines 34-62) and allows enough excess changeable parameter memory to be provided to make an erasure necessary only infrequently (see col. 3, lines 7-23).

It would therefore have been obvious to one of ordinary skill in the art to provide the selective changeable parameter erasure feature of Barber to Cowan's remote downloading and updating system in order to store non-changeable program instructions and changeable parameters in the same device with limited memory as taught by Barber.

Regarding claims 2-5 and 7 Cowan further shows the application-associated data includes inherently a license for use of the software application, user-specific data (inherent in memory 66 also has stored therein the current versions of the mobile terminal operating software for the various mobile terminals ..., identifies particular package of operating software which is to be utilized by the corresponding mobile terminal, see col. 8, lines 19-32), wherein the application associated data includes application components necessary to execute the application on the wireless device (see col. 7, lines 13-36) and wherein the wireless device is a cellular telephone, and a pager (see col. 5, lines 15-25).

Claims 9, 15 and 20 which recites a method for managing the loading and deleting of components of one or more software applications resident on a wireless device and a program that directs a wireless device having a computer platform in a computer readable medium to perform a method implemented in the system of claims 1,

Art Unit: 2686

8 and 16 are rejected for the same reasons as set forth in the rejection of claims 1, 8 and 16 above.

Regarding claim 10, Cowan further shows wherein the step of establishing a communication link is establishing a communication link through a cellular telecommunication network (see Fig. 1, col. 5, lines 15-35).

Regarding claim 11, Cowan's teaching of discarding immediately the old version of each file prior to downloading (see col. 12, lines 39-43) would inherently read on wherein the step of establishing a communication link occurs upon the wireless device intending to execute a resident software application for which one or more associate components have been deleted, since it is inherent that without the new package of files the programs using the discarded files would not execute.

Regarding claim 12, Cowan shows the step of selectively deleting at the wireless device one or more application components of the one or more resident software application is selectively deleting the one or more application components of the one more resident software applications at the direction of the user of the wireless device (see col. 11, line 66 to col. 12, line 19).

Regarding claim 13, Cowan further discloses wherein the step of establishing a communication link occurs upon a user of the wireless device prompting the application download server to transmit over the wireless network one or more application components for a resident software application for which one or more associated components have been deleted (see col. 12, lines 20-28).

Art Unit: 2686

Regarding claim 14, Cowan further discloses wherein the step of selectively deleting at the wireless device one or more resident software applications is selectively deleting the one or more application components of the one or more resident software application is determined by the wireless device (see col. 12, lines 36-43).

Regarding claims 17 and 19 Cowan further discloses wherein the wireless device is a cellular telephone, and a pager (see col. 5, lines 15-25).

4. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cowan (5,848,064) in view of Barber et al. (5,471,518) in view of Official Notice.**

Regarding claims 6 and 18 Cowan as modified by Barber disclose that the wireless terminal include mobile devices that can roam from cell to cell such as data terminals, telephones, pagers, etc., and that other types of mobile devices are contemplated (see Cowan, col. 5, lines 15-25), but fails to explicitly teach that the wireless terminal is a personal digital assistant.

The use of a personal digital assistant (PDA) in a cellular communication network is very well known in the art and as such examiner takes Official notice that it would have been obvious to one of ordinary skill in the art to use a PDA in the cellular communication system of Cowan and Barber in order to provide the advantages of a PDA such as the capability of performing specific tasks like an electronic diary, carry-along personal database, multimedia player, personal communicator, memo taker and so on, to a user.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wichmann (6,415,160) discloses a device for managing data in a mobile telephone.

Akahane (5,708,698) discloses a method for replacing and/or trimming a portion of a received voice message.

Karnowski (5,163,082) discloses a memory management method for digital telephone answering devices.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2686

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 3, 2004
CA


CHARLES APPIAH
PRIMARY EXAMINER